

THE RESURRECTIONISTS.

The Chorus of the Graveyards—Some Facts About the Mystic Craft—Inhuman Traffic in Dead Bodies—Method of Conducting the Business—A Celebrated "Character"—Cemeteries Most Exposed to the Sacrilegious Visitants.

Readers of "A Tale of Two Cities," a celebrated work, which we have always thought was too essentially French and tragic ever to have come from the thoroughly English pen of Charles Dickens, will recollect a character named Jerry Cruncher. Jerry's memory will live forever in the dual circumstances that he resuscitated dead folks for a living, and entertained a decided antipathy to Mrs. Cruncher's periodical "foppings."

But in the estimation of the world, however shallow it may be, men are only good or bad, worthy to be esteemed or worthy to be despised, by comparison. The only test of excellence is a sliding scale, and the best of men rarely better their heads to enjoin conformity to an inflexible standard of morality.

A crime which has always been held in universal detestation—and which yet, so far as can be ascertained, has always been practised among civilized people, since the necessities of anatomy first made it "pay"—is the resurrection of the dead, which legal enactments have never been able to prevent, though they have so hedged it about with danger, that they who follow it must needs be men of most abandoned and desperate attitudes.

All Philadelphians have heard or known, that in past years the resurrectionists plied their nefarious trade in this city, with considerable audacity and success. The tales of their dark deeds yet live to enliven social conversation, and give a weird attractiveness to the budget of nursery-tales.

In the same connection, the traditions of the Alms-house are revived; and the feeling of indignation and horror which prevailed in the community about ten years ago, at the discovery that the dead bodies of the paupers had been sold as merchandise to medical and surgical colleges, for anatomical purposes, is still fresh in the minds of the people.

How may Philadelphians know or guess that the deeds of the resurrectionists are more than a horrible tradition? How many of us, in our quietest dreams, have ever dreamed that Jerry Cruncher,—the actual Jerry, alive and in the flesh—abides among us; walks through the streets of our quiet law-abiding city by day, and prowls like a beast of prey through our still and solemn graveyards by night?

The race of resurrectionists, so far as Philadelphia is concerned, is by no means extinct. The number of men engaged in the infamous vocation is, of course, very small. In fact, they scarcely exceed a corporal's guard. Without exception they are men of brutal instincts, lost to all sense of shame, and having no fear but the fear of the law before their eyes.

It is a singular fact, too, that the "body-snatchers" are, as a rule, a cowardly, superstitious set of fellows. They never think of paying a nocturnal visit to a cemetery without previously fortifying the inner man with "can de vie," and they never go on such an expedition alone, but always "in couples and groups," like the dancers at the ball of Mr. Langan.

All of these men have tales to unfold calculated to harrow up the soul and freeze the young blood, and make each particular hair of a superstitious head stand up on end. Of course their marvelous experiences are altogether the effects of a lively imagination distorted by bad whisky, and their narratives are a tissue of fancy, exaggeration, and oftentimes braggadocio.

A soulless wretch who has snatched five or six bodies from their earthy resting-place, and torn from them the clinging shrouds, in which perhaps loved hands enfolded them, and loved eyes looked upon them, no longer feels a bit of scruple about the business. He does his work as methodically as a sexton, and with as little inward qualms. He becomes hardened and unbruted, and is fit for anything.

For the most part, they are only novices in the business who fancy it attended with supernatural revelations. As the thief doth fear each bush an officer, so doth the "green" body-snatcher dread each rustling leaf as the footfall of a ghost.

Appropos of our weird subject, the late Doctor McMurtry, Professor of Physics and Anatomy in the Central High School, used to tell a curious local story. According to the Doctor, a resurrectionist paid a professional visit one midnight to a graveyard, where the body of a gentleman who had died suddenly, from natural causes, it was supposed, had been interred. The gentleman had been in affluent circumstances. The unsolved mystery of his death had rendered possession of his remains, for purposes of dissection, a matter of interest to some medical students from the "sunny South, who accordingly hired a Jerry Cruncher, who accordingly hired the Doctor, keeping up his spirits by flogging spirits down, worked bravely for an hour, with 20, upward incident.

He had nothing to fear, for he was an old hand at the business, and the "spirits" in the black bottle that he placed against a tombstone, and frequently invoked, kept off all others of a supernatural character. The grave was fresh, the soil was loose, and the sharp spade, in brawny hands, soon made a clearing to the coffin.

The lid removed with as little noise as possible. What horror! The dead man rises in his coffin to a sitting posture! The affrighted resurrectionist flings spade away, forgets his coat and bottle, and sealing the wall of the cemetery, pale as the uncoffined man he leaves behind, he fies as for his life.

It was a chill September night, and sitting in one's grave-clothes, five feet below the surface of mankind, is decidedly unpleasant. The gentleman, so the story ran, had been buried alive while in a state of trance, and was revived by the combined effects of the cold air and the shock of disinterment. Possibly, too, the duration of his death-sleep was at an end at this particular moment. At any rate, he went home, and, having no latch-key, was compelled to ring up the family.

The folks at home were, of course, surrounded at his resurrection from the dead. At the time the affair created quite a local sensation. Subsequently the gentleman made every effort to ascertain the individual who had done him the good turn, although from motives most despicable. He even offered in the public prints a reward of five hundred dollars to the "friend in need," if the unknown party would reveal him. But the unknown was too sharp. He feared to disclose his identity, lest the law should lay its heavy hand upon his shoulder. So the secret has never transpired.

The men engaged in body-snatching in this city rarely make an exclusive business of it. Sometimes for a fortnight, or a month, they will not have a job. In the meantime they turn their hand to anything, should necessity compel them. The craft have a recognized boss, who makes engagements, and hires them for the fulfillment. The "boss" is a character. He goes by the name of "Jimmy," and lives in the benighted region of Bedford street, above Sixth. He is as blue-eyed, unshorn, dissipated a man as ever daylight shone upon. He may be known, in part, by a pair of short-legged boots he wears, with the trousers always stuffed into them. It is rarely, too, that Jimmy is seen without his "cut-throat."

Jimmy has been at this business for years—how many is not known. He is well acquainted with the ins and outs of almost every graveyard in the city. It is said that he is on confidential terms with several of the sextons and superintendents.

Jimmy and his confederates operate systematically. They always choose the dark nights; if they happen to be rainy no matter. As we have said, they always work by two. One "burker" (in England they are called burkers, after Burke, a notorious body-grabber), effects entrance into the graveyard, and commences to dig at the head of the grave a space about two-and-a-half feet square.

An hour or so suffices to reach the coffin, the head of which is broken up. Then, with a long hook, the body is pulled up, wrapped in a dark covering, and hastily conveyed to a confederate, who has a wagon in waiting. The wagon of course has not been kept standing all the time in front of the cemetery, but has been driven up and down, to avoid suspicion. The wagon is driven rapidly away, the grave filled up as before, and the job, which pays about fifty dollars, is completed.

The business of resurrecting, however, has seen its best days, and is rapidly passing out of existence. Compared with former times it is quite insignificant in extent and profits. In fact, it is beginning no longer to pay out in exceptional cases, where persons have died from extraordinary or peculiar ailments, for which science could not account. The dissecting-rooms can now generally obtain all the subjects they desire through the legitimate channels, without encouraging an illegitimate and barbarous traffic. The day will speedily arrive when the resurrectionist, like the gum-man, the child-stealer, and the bounty-jumper, will live only in our local traditions.

JEFF. DAVIS.

Why he is held in Confinement, and why he has not been Tried—The Charges Against Him—Treason, Inciting Assassination, and Murder of Union Prisoners—He Should be Tried Before a Civil Court in Virginia—Chief Justice Chase Declines for an Indefinite Period to Hold any Court there—Attorney-General Speed Thinks it is not Practicable to have such a Trial at Present—The Charges Against Other Enemies of Treason.

WASHINGTON, January 10.—The President to-day transmitted to the Senate a message in reply to a resolution calling upon him to inform that body upon what charges Jefferson Davis is confined and why he is not brought to trial.

The President encloses reports from the Secretary of War and Attorney-General, and at the same time invites the attention of the Senate to that portion of his annual message which refers to Congress the question connected with the holding of Circuit Courts of the United States within the districts where their authority has been intercepted.

WAR DEPARTMENT, January 4, 1866.—Sir:—In reply to the annexed Senate resolutions, passed December 21, 1865, referred to me by you for report, I have the honor to state—First, That Jefferson Davis was captured by United States troops in the State of Georgia, on or about the tenth day of May, 1865, and by order of this Department has been and now is confined in Fortress Monroe, to abide such action as may be taken by the proper authorities of the United States Government.

Second, That he has not been arraigned upon any indictment or formal charge of crime, but has been indicted for the crime of high treason by the Grand Jury of the District of Columbia, which indictment is now pending in the Supreme Court of the said District. He is also charged with the crime of inciting the assassination of Abraham Lincoln, and with the murder of Union prisoners of war, by starvation and other barbarous and cruel treatment towards them.

Third, The President deeming it expedient that Jefferson Davis should first be put upon his trial before a competent court and jury for the crime of treason, he was advised by the law officer of the Government that the most proper place for such trial was in the State of Virginia. That State is within the judicial circuit assigned to the Chief Justice of the Supreme Court, who has held no court there since the apprehension of Davis, and who declines for an indefinite period to hold any court there.

The matters above stated are, so far as I am informed, the reasons for holding Jefferson Davis in confinement, and why he has not been put upon trial.

Fourth, Resides Jefferson Davis, the following persons, who acted as officers of the Rebel Government, are imprisoned, to wit:—Clément

C. Clay, at Fortress Monroe, charged among other things with treason, with complicity in the murder of Mr. Lincoln, and with organizing bands of pirates, robbers, and murderers in Canada, to burn the cities and ravage the commerce and coasts of loyal States on the British frontier. D. L. Yates, at Fort Pulaski, charged with treason while holding a seat in the Senate of the United States, and with plotting to capture the forts and arsenals of the United States, and with inciting war and rebellion against the Government. S. K. Mallory, at Fort Lafayette, charged with treason, and with organizing and setting on foot practical expeditions against the United States commerce and marine on the high seas. Other officers of the so-called Confederate Government, arrested and imprisoned, have been released on parole to abide the action of the Government in reference to this prosecution, and that for alleged offenses, on their application for amnesty and pardon.

Among these are S. A. Trenholm, Secretary of the Treasury; John A. Campbell, Assistant Secretary of War; James A. Seddon, Secretary of War; John H. Reagan, Postmaster-General; R. M. T. Hunter, Senator; Alexander H. Stephens, Vice-President; and sundry other persons of like note. EDWIN M. STANTON, Secretary of War.

ATTORNEY-GENERAL, OFFICE, JANUARY 10, 1866.—To the President:—Sir:—I have the honor to acknowledge the receipt from you of a copy of the resolution of the Senate of the United States, of date the 21st of December, 1865. In that resolution the Senate respectfully requests to be informed upon what charges and for what reasons Jefferson Davis is still held in confinement, and why he has not been put upon trial.

When the war was at its crisis Jefferson Davis, the Commander-in-Chief of the army of the Insurgents, was taken prisoner, with other prominent Rebels, by the military forces of the United States. It was the duty of the military forces so to take them. They have been heretofore, and are yet held as prisoners of war. Though peace has been declared, and a state of war still exists in the territory in rebellion. Until peace shall come in fact, and in law, they can rightfully be held as prisoners of war.

I have ever thought that trials for treason cannot be held before a military tribunal. The civil courts have alone the jurisdiction of that crime. The question then arises, Where and when must the trials thereof be held? In that clause of the Constitution mentioned in the resolution of the Senate, it is plainly written that they must be held in the State or district where the crime shall have been committed. I know that many persons of learning and ability entertain the opinion that the commander-in-chief of the Rebel armies should be regarded as constructionally present with all the Insurgents who prosecuted hostilities, and made war upon the northern and southern borders of the loyal States.

This doctrine of constructive presence, carried out to its logical conclusion, would make all who had been connected with the Rebel armies liable to trial in any State and in any district, in which any portion of these armies had made the slightest incursion. Not being persuaded of the correctness of that opinion, but regarding the doctrine mentioned as if doubtful, constitutionally, I have thought it not proper to advise you to cause criminal proceedings to be instituted against Jefferson Davis or any other insurgent in the States or districts in which they were not actually present during the prosecution of hostilities.

Some prominent Rebels were personally present at the invasion of Maryland and Pennsylvania, but all or nearly all of them received military paroles upon the surrender of the Rebel armies. Whilst I think that those paroles are not an ultimate protection for prosecutions for high treason, I have the belief that it would be a violation of the paroles to prosecute those persons for crimes before the political power of the Government has proclaimed that the Rebellion has been suppressed.

It follows, from what I have said, that I am of the opinion that Jefferson Davis and others of the Insurgents ought to be tried in the State or States or districts in which they may be charged. Though active hostilities and flagrant war have not for some time existed between the United States and the Insurgents, peaceful relations between the Government and the people in the States and districts in which they are yet fully restored. None of the justices of the Supreme Court have held circuit courts in these States and districts since actual hostilities ceased.

When the courts are open, and all laws can be peacefully administered and enforced in those States whose people rebelled against the Government, when this peace shall come in fact and in law, the persons now held in military custody as prisoners of war, and who may not have been tried and convicted for offenses against the laws of war, should be transferred to the custody of the civil authorities of the proper districts, to be tried for such high crimes and misdemeanors as may be alleged against them.

I think it the plain duty of the President to cause criminal proceedings to be instituted before the proper tribunals and at all proper times, against some of those who were mainly instrumental in inaugurating, and most conspicuous in conducting the late hostilities. I should regard it as a direct calamity, if many who the sword has spared, the law should spare also; but I would deem it a more direful calamity still if the Executive, in performing his constitutional duty of bringing these persons before the bar of justice to answer for their crimes, should violate the plain meaning of the Constitution or infringe in the least particular the living spirit of that instrument.

I have the honor to be, most respectfully, JAMES SPEED, Attorney-General.

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